

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff

v.

ROMAN SELEZNEV,

Defendant.

NO. CR11-0070RAJ

ORDER CONTINUING TRIAL DATE  
AND SETTING CASE SCHEDULE

The Court, having reviewed the record and files in this case and after a consideration of all relevant information and the circumstances of this case, finds that the ends of justice will best be served by continuing the trial date to November 2, 2015, and orders the parties to comply with the complex case schedule set forth below. The ends of justice outweigh the best interests of the public and the defendant in having the matter brought to trial sooner.

The Court makes the following findings:

1. Defendant Roman Seleznev is charged in a Second Superseding Indictment with violations of federal criminal law, including wire fraud in violation of 18 U.S.C. § 1343; crimes in connection with computers in violation of 18 U.S.C. § 1030; access device fraud in violation of 18 U.S.C. § 1029; and aggravated identity theft in violation of 18 U.S.C. § 1028A. The charges in the Second Superseding Indictment involve

1 | allegations of a complex international computer fraud scheme, the object of which was to  
2 | steal credit card numbers which would then be illegally resold over the internet and used  
3 | to engage in fraudulent transactions. The Second Superseding Indictment alleges that  
4 | defendant, using computer infrastructure located in numerous countries around the world,  
5 | trafficked in millions of credit card numbers, thereby victimizing millions of banks,  
6 | businesses and individuals, and generating millions of dollars in illicit profits for the  
7 | defendant.

8 |         2.       On January 14, 2015, the Court granted prior counsel's motion to withdraw.  
9 | On January 15, 2015, the Court ordered the appointment of new counsel from the Federal  
10 | Public Defender's Office. Attorneys Russell Leonard and Dennis Carroll entered notices  
11 | of appearance on January 15, and January 16, 2015, respectively.

12 |         3.       The government and defense counsel have indicated that the discovery in  
13 | this case is voluminous and complex; involves the analysis of multiple complex computer  
14 | systems; and involves investigations by the government in multiple jurisdictions.  
15 | Because of the appointment of new counsel, defendant will require substantial additional  
16 | time in order to adequately review the discovery and prepare for any motions and trial.

17 |         4.       Based on the foregoing, the Court finds that the ends of justice will best be  
18 | served by a continuance of the trial date and outweigh the best interests of the public and  
19 | the defendant in a speedy trial, within the meaning of 18 U.S.C. § 3161(h)(7)(A).

20 |         5.       The Court further finds that the failure to grant such a continuance in this  
21 | case would likely result in a miscarriage of justice because the government and the  
22 | defendant would be denied the reasonable time necessary for effective preparation, taking  
23 | into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(i) and (iv);

24 |         6.       The Court finds, pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii), that the case is  
25 | so unusual and complex, due to the nature of the prosecution, the existence of novel  
26 | questions of fact or law, and the volume of discovery that it would be unreasonable to  
27 | expect adequate preparation for trial within the time limits established by 18 U.S.C. §  
28 | 3161 et seq.; and

1       7.       The Court finds, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv),  
2 that the period of delay is reasonable.

3       Any and all period of delay resulting from this continuance, from the date of this  
4 order, until the date of the rescheduled trial, shall be excludable time pursuant to Title 18,  
5 United States Code, Section 3161(h)(7)(A), for purposes of computation of the time  
6 limitations imposed by the Speedy Trial Act, Title 18, United States Code, Section 3161  
7 through 3164.

8       It is therefore ORDERED that Defendant's Motion to Continue the Trial Date  
9 (Dkt. #120) is GRANTED. The trial of this matter is hereby continued from May 4, 2015  
10 to November 2, 2015, at 9:00 a.m., and that the parties shall observe the following  
11 complex case schedule:

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Event	Date
Government to provide discovery under Fed. R. Crim. P. 16(a)(1)(A) – (F) and Local CrR 16(a)(1), with continuing obligation as set forth in Rule 16(c)	Effective date of this order
Status Conference	May 22, 2015 at 9:00 a.m.
Deadline to file Pretrial Motions I (Dismissal, Discovery/Brady, Bill of Particulars and the like). Responses due June 15, 2015; Reply briefs due June 22, 2015; Noting Date: June 25, 2015	June 1, 2015
Status Conference and Hearing on Pretrial Motions I	June 26, 2015 at 9:00 a.m.
Defendant to provide discovery under Rule 16(b)(1)(A)-(B), and Local CrR 16(a)(2), with continuing obligation as set forth in Rule 16(c); Defendant to provide notice of alibi defense under Fed. R. Crim. P. 12.1 and/or mental health defense under Fed. R. Crim. P. 12.2	July 13, 2015
Status Conference	July 24, 2015 at 9:00 a.m.
Pretrial Motions II (Arising after review of discovery and substantial investigation; Suppression; Severance; Venue) Responses due September 2, 2015; Reply briefs due September 14, 2015; Noting Date: September 18, 2015	August 24, 2015
Parties to exchange expert discovery under Rules 16(a)(1)(G) and 16(b)(1)(C)	September 18, 2015
Status Conference/Motions Hearing II	September 25, 2015 at 9:00 a.m.
Government's identification of all 404(b) evidence	September 28, 2015
Parties to file motions in limine and motions re: 404(b) and inextricably intertwined evidence. Responses due October 12, 2015; Reply briefs due October 16, 2015; Noting Date: October 16, 2015	October 5, 2015

Event	Date
Government to produce all summary exhibits and underlying data under Fed. R. Evid. 1006; Government to provide rebuttal expert disclosures	October 19, 2015
Defendant to produce all summary exhibits and underlying data under Fed. R. Evid. 1006; Defense to provide rebuttal expert witness disclosures	October 19, 2015
Government's witness list and exhibit list related to its case-in-chief; Government to produce Jencks Act, Rule 26.2 and <i>Giglio</i> impeachment materials, including information relating to known non-testifying declarants under Fed.R.Evid. 806 (if any)	October 26, 2015
Trial Briefs, Proposed Jury Instructions, Voir Dire and Verdict Forms	October 26, 2015
Pretrial Conference; Hearing on motions <i>in limine</i> (if necessary)	October 28, 2015 at 9:00 a.m.
Trial	November 2, 2015 at 9:00 a.m.

DATED this 9<sup>th</sup> day of February, 2015.



The Honorable Richard A. Jones  
United States District Judge